

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 206 be amended to read as follows:

- 1 Page 5, after line 42, begin a new paragraph and insert:
- 2 "SECTION 5. IC 8-1-2-6.9 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: **Sec. 6.9. (a) As used in this section, "existing**
- 5 **electric generating facility" refers to a facility:**
- 6 **(1) other than a new energy generating facility (as defined in**
- 7 **IC 8-1-8.8-8);**
- 8 **(2) that is used to generate electricity or steam;**
- 9 **(3) that is associated with the combustion of coal or natural**
- 10 **gas; and**
- 11 **(4) that is used and useful for the convenience of the public**
- 12 **not later than May 1, 2007.**
- 13 **(b) As used in this section, "regulated air emissions" means air**
- 14 **emissions:**
- 15 **(1) from an electric generating facility;**
- 16 **(2) that are:**
- 17 **(A) carbon, sulfur, mercury, or nitrogen based pollutants;**
- 18 **or**
- 19 **(B) particulate matter; and**
- 20 **(3) that are regulated, or reasonably anticipated by the**
- 21 **commission to be regulated, by:**
- 22 **(A) the federal government;**
- 23 **(B) the state;**
- 24 **(C) a political subdivision of the state; or**

1 **(D) any agency of a unit of government described in**
2 **clauses (A) through (C).**

3 **(c) As used in this section, "regulated air emissions project"**
4 **means a project designed to reduce or avoid regulated air**
5 **emissions from an existing electric generating facility. The term**
6 **does not include projects that provide offset programs, such as**
7 **agricultural and forestry activities.**

8 **(d) An energy utility (as defined in IC 8-1-2.5-2) may petition**
9 **the commission for approval of the construction, installation, and**
10 **operation of a regulated air emissions project. If the commission**
11 **finds, after notice and hearing, the proposed regulated air**
12 **emissions project to be reasonable and necessary, the commission**
13 **may approve the project and provide the following incentives:**

14 **(1) The timely recovery of costs associated with the regulated**
15 **air emissions project, including capital, operation,**
16 **maintenance, depreciation, tax, and financing costs incurred**
17 **during the construction and operation of the project.**

18 **(2) The recovery of costs associated with:**

19 **(A) the purchase of emissions allowances; or**

20 **(B) the payment of emission taxes arising from compliance**
21 **with air emissions regulations.**

22 **(e) In addition to the incentives described in subsection (d), the**
23 **commission may provide any other financial incentives the**
24 **commission considers appropriate."**

25 Renumber all SECTIONS consecutively.

(Reference is to ESB 206 as printed April 3, 2007.)

Representative Crooks